

# PREVENTION OF SEXUAL EXPLOITATION AND ABUSE (STAFF AND REPRESENTATIVES)

## OBJECTIVE/BACKGROUND

Canadian Foodgrains Bank (“Foodgrains Bank”) is committed to preventing sexual abuse and exploitation by staff, volunteers, directors, and others representing the Foodgrains Bank from time to time. This policy outlines this commitment and establishes procedures for responding to complaints of sexual exploitation and abuse by Foodgrains Bank staff and representatives.

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## SCOPE

This policy applies to all Foodgrains Bank staff, both paid and voluntary, as well as to consultants and board directors when they are engaged in activities on behalf of or representing the Foodgrains Bank. It also applies to other individuals who may from time to time be asked to represent the Foodgrains Bank, when they are acting in that capacity.

This policy applies to people working on behalf of or representing the Foodgrains Bank in any country regardless of applicable laws in that country, except to the extent that the obligations conflict with a law in any country, and to any situation where power imbalances make people vulnerable to sexual exploitation and abuse.

Foodgrains Bank strives to be an organization where an individual's self-worth and dignity are respected and affirmed. Consequently, this policy may be more stringent than applicable legislation. This is intentional. Conduct may be unacceptable, even if it is not illegal.

This policy is a partner to the Foodgrains Bank's **Harassment** and **Professional Standards** policies. Under separate policy, the Foodgrains Bank addresses the prevention from sexual exploitation and abuse by people associated with members and partners implementing programs funded by the Foodgrains Bank.

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## DEFINITIONS

### Sexual Exploitation

Sexual exploitation means any actual or attempted abuse of a person in a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

### Sexual Abuse

Sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

*(Definitions taken from United Nations Secretary General's Bulletin: Special measures for protection from sexual exploitation and sexual abuse.)*

## POLICY

1. The Canadian Foodgrains Bank has zero tolerance for any incidents of sexual exploitation or abuse by anyone working for or representing the Foodgrains Bank.
2. Senior managers must take steps to ensure that this policy is upheld by their staff, and be proactive in seeking to ensure that anyone with whom the Foodgrains Bank interacts is protected from sexual exploitation and abuse.
3. Foodgrains Bank staff and representatives are expected to be vigilant and to rigorously avoid any action that would suggest or imply that a sexual act might be demanded as a condition of employment, to receive funding, or for provision of any services.
4. Survivors of sexual exploitation or abuse at the hands of a Foodgrains Bank staff or representative, or of attempts at same, are encouraged to report their experience to a Foodgrains Bank senior manager, the executive director, or other trusted person.

All reports of sexual exploitation or abuse, or attempts at same, will be treated as confidential. Safety and dignity of the survivor will be of paramount importance in all investigation and resolution activities.

5. Observed incidents of or attempts at sexual exploitation or abuse by staff or anyone representing Foodgrains Bank must immediately be reported to a senior manager or the executive director.

A senior manager, receiving a report of sexual exploitation or abuse or attempts at same by staff or anyone representing the Foodgrains Bank, must immediately inform the executive director of the report or incident.

The executive director must take action as necessary to:

- 1) ensure the physical, psychological, emotional, and/or employment safety of the alleged victim of exploitation or abuse as well as of the person reporting the exploitation or abuse,
  - 2) ensure that the alleged perpetrator is removed from a situation where further victimization could occur,
  - 3) initiate an investigation into the alleged incident or pattern of behaviour, and
  - 4) inform government authorities as required by law, and where possible, ensuring that such a report is approved by the victim and will not perpetuate further victimization.
6. Complaints of sexual exploitation or abuse or attempts at same by the executive director should be made to the director of human resources or other trusted senior staff.

If the executive director is implicated in a complaint of sexual exploitation or abuse, the chair of the Human Resources and Compensation Committee must be informed and must approve any proposed investigation and resolution actions.

7. Foodgrains Bank will ensure that its staff, board directors, and anyone representing the Foodgrains Bank knows and understands the organizational expectations as outlined in this policy and the harassment policy. All staff and representatives must be familiar with this policy and the harassment policy, and procedures for how to respond to observed or reported incidents or attempts at sexual exploitation or abuse.

8. Foodgrains Bank will implement training and prevention mechanisms to ensure that no one is subjected to abusive or exploitative behaviour from anyone representing the Foodgrains Bank.
9. Foodgrains Bank will alert the Human Resources and Compensation Committee to any reported incidents of sexual exploitation or abuse as they are received. Respecting the confidentiality of the people involved, these reports will not necessarily include names but will outline for the Committee the nature of the complaint and any investigation and resolution plans in accordance with the procedures set out in the harassment policy.

The executive director will annually report to the board on the number of complaints of sexual exploitation and abuse received by the organization, actions taken, and outcomes.

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## PROCEDURES

### Reporting and Investigating a Complaint of Sexual Exploitation or Abuse

#### 1. Reporting

Anyone who experiences incidents of sexual exploitation or abuse, or patterns of behaviour that are exploitative or abusive by anyone representing the Foodgrains Bank, they are invited to make a report to the Foodgrains Bank as soon as possible.

The Foodgrains Bank has established a confidential electronic whistleblower portal on our website that will allow

- 1.1. Employees and consultants of the Foodgrains Bank should make a report to their supervisor or the director of human resources or any other senior staff person. If at any time the supervisor or the human resources director are not perceived to be safe persons to speak to or are otherwise involved in the complaint, the complainant is invited to make a report to another manager or a trusted co-worker.

A manager or co-worker who receives a complaint of actual or attempted sexual exploitation or abuse is required to inform the director of human resources. If the director of human resources is implicated in the complaint, the report should be made to the executive director.

- 1.2. Board directors witnessing or experiencing actual or attempted sexual exploitation or abuse when they are representing the Foodgrains Bank should direct their complaint to the chairperson of the human resources and compensation committee.
- 1.3. Others who may from time to time work on behalf of or represent the Foodgrains Bank should direct their reports to the The human resources director or manager will inform the executive director of all complaints and any reported incidents or perceptions of harassment.

If the executive director is implicated in a harassment complaint, the chair of the Human Resources and Compensation committee will be informed.

#### 2. Investigation Plan

The human resources director will take responsibility for establishing an investigation plan to hear, review and examine the complaint. When the human resources director is otherwise involved in the complaint, the executive director will take responsibility for establishing an investigation plan or will appoint a manager or other designate to act on behalf of the human resources director.

The complainant will be consulted about the investigation plan before it is put into action.

The investigation plan must be reviewed by the executive director. If the executive director is otherwise implicated in the complaint, the investigation plan will be reviewed by the chair of the Human Resources and Compensation Committee.

2.1. An investigation plan may include the following steps:

- 2.1.1. An internal investigation of the incident or pattern of behaviour by the human resources director or designate:
  - Reviewing any written documentation.
  - Interviewing the complainant.
  - Interviewing the respondent.
  - Interviewing other staff who may have witnessed the incident or pattern of behaviour.
- 3.1.2 An external investigation of the incident or pattern of behaviour:
  - Contracting a professional human resources investigator to review the incident or pattern of behavior.
  - Contacting government authorities to investigate a complaint when warranted by the scope of the complaint, or when required to report by law, in which case the complainant will be informed.

The human resources director or designate will communicate the details of the investigation plan to the complainant within five working days. Within the same time period, the human resources director or designate will inform the respondent that a complaint has been lodged against them and that an investigation plan has been established, including the details of that plan.

Implementation of the investigation should commence no later than 30 days after the incident or pattern of behaviour is reported and should be completed as quickly as possible.

### 3. Safety Plan

In conjunction with the investigation plan, the human resources director or designate will establish and implement a safety plan for the complainant and the respondent which will take effect immediately. The safety plan may include the following:

- 3.1. Relocation of either or both the complainant and the respondent for the duration of the investigation if they work in close proximity.
- 3.2. Reassignment of job duties for either or both the complainant and the respondent for the duration of the investigation if they work on shared or intersecting tasks.
- 3.3. Other plans to restrict contact between the respondent and the complainant for the duration of the investigation.
- 3.4. Any intervention up to and including temporary suspension with pay of the respondent, depending on the severity of the harassment or bullying reported, to ensure the ongoing safety of all parties and to create space for an impartial investigation of the complaint.

The safety plan must be reviewed by the executive director. If the executive director is otherwise involved in the complaint, the safety plan will be reviewed by the chair of the Human Resources and Compensation Committee.

### 4. Recommendations for Resolution

Upon completion of the investigation, the human resources director or designate will make recommendations for resolving the complaint. Investigation outcomes and recommendations will be presented to the executive director prior to implementing any recommendations. If the executive

director is otherwise involved in the complaint, the investigation report and recommendations will be brought to the chair of the Human Resources and Compensation Committee for review and approval. We will take corrective action in any instance where a person under our direction is found to have subjected any co-worker to harassment or bullying.

Both parties will be expected to participate fully and honestly in steps toward resolving the complaint. Failure on the part of any employee to participate will be recorded in the employee's personnel file and may result in discipline.

Recommendations for resolution may include, but are not limited to:

- 4.1. A facilitated conversation or mediation process, when appropriate physical and emotional safety has been established for both parties.
- 4.2. Specific corrective actions, if an employee is found to be in breach of this policy. This may include, but is not limited to:
  - sensitivity/awareness training
  - counseling
  - reporting to an accountability group
  - being mentored
  - removing responsibilities for supervising others
- 4.3. Termination of employment, when corrective action is not deemed to be a sufficient response to the scope of the incident or when the respondent refuses to participate in corrective action.
- 4.4. Contacting appropriate government authorities when warranted by the scope of the incident or pattern of behaviour, or when the behaviour is in breach of the law.

The complainant will be consulted prior to reporting the respondent to government authorities and efforts will be taken to ensure the safety of the complainant if a report is made. However, the Foodgrains Bank retains the right and responsibility to make a report at any time to appropriate government authorities when a person representing the Foodgrains Bank is in breach of the law.

## 5. Communicating the Results of the Investigation

Foodgrains Bank will communicate to the complainant and the respondent the results of the investigation in a timely manner.

## 6. External Representation

At any point in a resolution process, both complainant and respondent are entitled to seek external representation and support. Foodgrains Bank will act in good faith with any external resources solicited.

No external resources will be contracted by Foodgrains Bank without the direction of the executive director or, when needed, the direction of the chair of the Human Resources and Compensation Committee.

## External Resolution of a Harassment Complaint

This Harassment Policy is not intended to discourage or prevent any employee or person affiliated with the Foodgrains Bank from exercising their legal rights pursuant to any law, including but not limited to filing a complaint with the appropriate human rights authority in the jurisdiction.

## Responding to an External Harassment Complaint

When a person external to the organization reports experiencing harassment, sexual harassment or bullying from an employee or other person representing the Foodgrains Bank, or when Foodgrains Bank becomes aware of such behaviour on the part of its staff or others representing the Foodgrains Bank,

Foodgrains Bank will initiate an investigation into the incident and take steps to resolve the complaint as outlined above.

Allegations concerning sexual exploitation or sexual abuse as defined in the Prevention of Sexual Exploitation and Abuse (Staff and Representatives) Policy shall also be subject to the additional procedures outlined therein.

#### **Grieving Resolution of a Harassment Complaint: Staff, Volunteers or Others Internal to Foodgrains Bank**

For employees and volunteers of the Foodgrains Bank, if the complainant is not satisfied with the findings of the investigation or the steps taken to resolve the complaint, they are entitled to file a grievance with the executive director as outlined in the Grievance Policy.

Likewise, if the respondent is not satisfied with the findings of the investigation or the steps taken to resolve the complaint, they are entitled to file a grievance with the executive director as outlined in the Grievance Policy.

#### **Grieving Resolution of a Harassment Complaint: Persons External to Foodgrains Bank**

For persons external to the Foodgrains Bank who make a complaint against anyone representing the Foodgrains Bank, if the complainant is not satisfied with the outcome of the steps to resolve the complaint or the outcome of the investigation, they are entitled to request a hearing from the chair of the Human Resources and Compensation Committee.

Such a request will result in investigation of the complaint and the investigation process by the Human Resources and Compensation Committee, separate from any processes implemented by and without interference from the human resources or executive offices.

#### **Responding to a Complaint of Harassment by an External Source**

Foodgrains Bank recognizes that its policies and expectations of conduct cannot be applied in a binding fashion to persons external to the Foodgrains Bank. Nonetheless, Foodgrains Bank intends to provide a safe working environment for staff and others working on behalf of or representing the Foodgrains Bank. Therefore, when an employee of Foodgrains Bank or other person representing the Foodgrains Bank reports experiencing harassment from someone external to the organization, Foodgrains Bank will work to address the behaviour to the extent that it is able. This may include:

1. Investigating the complaint by interviewing the complainant, the alleged perpetrator and others who may have witnessed the harassment.
2. Speaking directly with the alleged perpetrator about the incident and, when necessary, informing them of the impact of their behaviour and Foodgrains Bank's expectations of an immediate change in behaviour.
3. When appropriate safety has been established, inviting both parties to a facilitated conversation.
4. Removing the employee or other Foodgrains Bank representative from the situation where the harassment is occurring.
5. Alerting appropriate government authorities to the harassment as warranted by the scope of the complaint.

#### **Conflict of Interest**

When the director of human resources is involved in an incident, or a conflict of interest exists, staff are invited to direct their complaint to the executive director.

When the executive director is involved in an incident, or a conflict of interest exists, staff are invited to direct their complaint to the director of human resources.

If the complaint is about the executive director, the director of human resources will consult with the chair of the Human Resources and Compensation Committee to determine how best to proceed with hearing and responding to the complaint.

### **Documentation**

Written documentation of a complaint, resolution process and results will be placed in a protected file, accessible only by the human resources director or the executive director. Information regarding a complaint will only be placed in the respondent's personnel file if they are found to be in breach of this policy.

Access to this protected information by any parties other than those mentioned above will require the approval of the chair of the Human Resources and Compensation Committee, or where required by law, appropriate subpoena, or other summons.

### **Confidentiality**

Everyone involved in a harassment complaint is required to treat information related to the incident, investigation or resolution confidentially and we will not disclose the name of the complainant, respondent or the circumstances related to the complaint to any person, except where disclosure is:

1. Necessary to investigate the complaint or take corrective action with respect to the complaint, or
2. Required by law.